UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,714	04/15/2004	Jeffery Wilson	500.0001.U1(US)	6765

34070   7590   02/07/2007

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EXAMINER
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ART UNIT	PAPER NUMBER
2162	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

		Application No.	Applicant(s)
Office Action Summary		10/824,714	WILSON, JEFFERY
		Examiner	Art Unit
		Thu-Nguyet Le	2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>06 January 2007</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-20</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-20</u> is/are rejected.

7) ☒ Claim(s) <u>1-9</u> is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>02 August 2004</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____.

        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>15 April 2004</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1.   Applicant's election without traverse of examiner's election/restriction requirement in the reply filed on January 6, 2007 is acknowledged.

Applicant has been elected claims 1-20 (group I) for prosecution. Therefore, claims 1-20 are presented for examination and claims 21-30 are withdrawn.

Information Disclosure Statement

2.   IDS submitted 15 April 2004 has been considered by examiner. A signed and initialed copy is attached hereto.

Specification

3.   The disclosure is objected to because of the following informalities:

In Cross-Reference to related applications, line 2, filing date of Provisional Application 60/464,077 is April 18, 2004 is incorrect. Applicant is required to change the filing date to April 18, 2003.

The detailed description, page 12 lines 9, recites "Step 1 20" should be changed to "*Step 1 (20)*" and page 15 line 25, "Pass #3 24" should be changed to "*Pass #3 (24)*" for clarification. The examiner also suggests this changing for clarification in the rest of detail description whenever these phrases occur.

Appropriate correction is required.

Claim Objections

4.   Claims 1-9 are objected to because of the following informalities:

Claim 1 line 13, there is a duplicated "the". The examiner suggests taking one of

"the" out of the sentence.

In claim 1 lines 4-5, "the one first web page" and "the at least one first web page"

should be changed to ""the first web page" and "the at least first web page".

Claim Rejections - 35 USC § 112

5.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

6.   Claims 2-3 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

Claim 2, line 16, recites the limitation "linking the third page". There is insufficient

antecedent basis for this limitation in the claim. For purpose of examination, the

examiner presumes the phrase should read, "the third web page".

Claim Rejections - 35 USC § 101

7.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

Claims 10-15 are rejected under 35 U.S.C. 101 because the claims lack the

necessary physical articles or objects to constitute a machine or a manufacture within

the meaning of 35 USC 101. They are clearly not a series of steps or acts to be a

process nor are they a combination of chemical compounds to be a composition of matter. As such, they fail to fall within a statutory category. They are, at best, functional descriptive material *per se*.

Descriptive material can be characterized as either "functional descriptive material" or "nonfunctional descriptive material." Both types of "descriptive material" are nonstatutory when claimed as descriptive material *per se*, 33 F.3d at 1360, 31 USPQ2d at 1759. When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Compare *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994).

Merely claiming nonfunctional descriptive material, i.e., abstract ideas, stored on a computer-readable medium, in a computer, or on an electromagnetic carrier signal, does not make it statutory. See *Diehr*, 450 U.S. at 185-86, 209 USPQ at 8 (noting that the claims for an algorithm in *Benson* were unpatentable as abstract ideas because "[t]he sole practical application of the algorithm was in connection with the programming of a general purpose computer.").

Claim Rejections - 35 USC § 102

8.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9.   Claims 1-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Finch, II et al. (US 6,282,567).

With respect to claim 1, Finch discloses a method for improving a search engine access of a first web page hosted on a first web server, the method comprising:

determining at least one first web page search engine index constraint connected with the one first web page (col. 2 lines 57-58, "client information is collected" and col. 3 lines 18-19, "The content of the advertisements downloaded from the company web server may be selected based upon the client information". Upon accessing to download the advertisements, the client should provide information. It is the constraint to access the advertisements), wherein determining the at least one first web page search engine index constraint comprises crawling the first web page (col. 3 lines 29-30, "Once these search engine content pages are created, they will be spidered");

creating a second web page (col.3 lines 25-26, "creates search engine content pages") based upon determining at least one first web page search engine index constraint (col. 3 lines 19-20, "based upon the client information"), wherein creating the second web page comprises:

creating a first copy of the first web page (download "content of the advertisements") (col. 3 lines 18-19, 25-26, fig. 4 block 402 and block 404, "the content of the advertisements downloaded" and "create search engine content pages");

modifying the first copy of the first web page (col. 3 lines 56-57, "the search engine pages may be frequently altered"), wherein modifying the first copy of the first

web page comprises assigning a URL for accessing the first copy of the first web page

(col. 3 line 29, col. 7 line 39, "These search engine content pages are supported upon

the client web server" and "locates the pages upon the CIWS". it is inherently URL is

assigned for each created page in web server).

Claim 2 is rejected for the reasons set forth hereinabove for claim 1, and

furthermore finch teaches the method wherein improving the search engine access of

the first web page hosted on the first web server further comprises:

determining at least one second web page search engine index constraint

connected with a second web page (col. 2 lines 57-58, "client information is collected"

and col. 3 lines 18-19, "The content of the advertisements downloaded from the

company web server may be selected based upon the client information". Upon

accessing to download the advertisements, the client should provide information. It is

the constraint to access the advertisements. "The advertisements" is plural form, so it

presents both first web page and second web page), wherein determining the at least

one second web page search engine index constraint comprises crawling the second

web page (col. 3 lines 29-30, "Once these search engine content pages are created,

they will be spidered");

creating a third web page (col.3 lines 25-26, "creates search engine content

pages") based upon determining at least one second web page search engine index

constraint (col. 3 lines 19-20, "based upon the client information"), wherein creating the

third web page comprises:

creating a third page copy of the third web page (col. 3 lines 18-19, 25-26, fig. 4

block 402 and block 404, "the content of the advertisements downloaded" and "create

search engine content pages");

modifying the third page copy of the third web page (col. 3 lines 56-57, "the

search engine pages may be frequently altered"), wherein modifying the third page copy

of the third web page comprises assigning a URL for accessing the third page copy (col.

3 line 29, col. 7 line 39, "These search engine content pages are supported upon the

client web server" and "locates the pages upon the CIWS". it is inherently URL is

assigned for each created page in web server); and

linking the third page to the second web page (col. 3 line 54, "these search

engine content pages will include a link to a corresponding web site).

Claim 3 is rejected for the reasons set forth hereinabove for claim 2, and

furthermore finch teaches the method wherein the at least one second web page search

engine index constraint is a user-login requirement (col. 2 lines 57-58, "client

information is collected" and col. 5 lines 57-58, "This information will identify the

licensee", fig. 2 block 210, "register with company web server (customer information

collected)"), a form submission, a JavaScript written link (col. 9 lines 1-2, "redirect

instructions and/or java script"), a Visual Basic script written link (col. 9 lines 2, ""redirect

instructions ... or other executables"), or a plurality of frames.

Claim 4 is rejected for the reasons set forth hereinabove for claim 1, and

furthermore finch discloses the method wherein the at least one first web page search

engine index constraint is a user-login requirement (col. 2 lines 57-58, "client

information is collected" and col. 5 lines 57-58, "This information will identify the

licensee", fig. 2 block 210, "register with company web server (customer information

collected)"), a form submission, a JavaScript written link (col. 9 lines 1-2, "redirect

instructions and/or java script"), a Visual Basic script written link (col. 9 lines 2, ""redirect

instructions ....or other executables"), or a plurality of frames.

Claim 5 is rejected for the reasons set forth hereinabove for claim 1, and

furthermore finch teaches the method wherein creating the second web page further

comprises:

creating at least one keyword page (col. 7 lines 15-17, 24, "populating multiple

web pages with the link, each web page including the search terms as well"); and

linking the at least one keyword page to the second web page (col. 7 lines 24-25,

"create a large number of pointers to the desired web page(s)").

Claim 6 is rejected for the reasons set forth hereinabove for claim 1, and

furthermore finch discloses the method wherein creating the second web page further

comprises:

creating at least one website map page (col. 7 lines 26-27, populate a great

number of web pages on a great number of web sites and vary the content"); and

linking the at least one website map page to the second web page (col. 7 lines

24-25, "create a large number of pointers to the desired web page(s)").

Claim 7 is rejected for the reasons set forth hereinabove for claim 1, and

furthermore finch discloses the method wherein creating the second web page further

comprises:

creating at least one multi-function web page link (col. 7 lines 25-26, "create a large number of pointers"), wherein the at least one multi- function web page link is selected from the multi-function web page link group consisting of a web browser first link to the first web page (col. 3 line 45 "corresponding link"), and a search engine readable link (col.3 lines 35-36, "search engines to return a desired link").

Claim 8 is rejected for the reasons set forth hereinabove for claim 7, and furthermore finch teaches the method wherein creating the second web page further comprises storing the second web page on the first web server (col. 6 lines 21-24, "CoWS or marketing content server").

Claim 9 is rejected for the reasons set forth hereinabove for claim 7, and furthermore finch teaches the method wherein the second web page further comprises storing the second web page on a second web server (col. 6 line 22, "ads that will be displayed upon the CIWS").

With respect to claim 10, Finch discloses a first web server optimized for search engine compatibility, the first web server comprising:

at least one search engine constraint (col.2 line 57-58, "client information is collected");

a first web page constrained by the at least one search engine constraint (col. 4 lines 3-4, "detects whether a user or a search engine spider access a search engine content page");

at least one second web page ("search engine content pages") wherein the at least one second web page comprises the first web page ("search engine content or

content of the advertisement") adapted for search engine indexing (col. 8 lines 11,

"allows the search engine to index the search engine content pages").

Claim 12 is rejected for the reasons set forth hereinabove for claim 10, and

furthermore finch teaches a first web server optimized for search engine compatibility

wherein the at least one second web page further comprises:

at least one meta tag, wherein the at least one meta tag comprises at least one

keyword (col. 8 lines 61-62, "the search engine content page includes meta tag

keywords", fig. 8 block 806 "meta tag keywords [SEK1, SEK2...]"); and

at least one title tag, wherein the at least one title tag comprises at least one

second keyword (col. 8 line 60, "title" tag, fig. 8 block 804 "title of search engine content

page [SEK1, SEK2...]").

Claim 13 is rejected for the reasons set forth hereinabove for claim 10, and

furthermore finch discloses a first web server optimized for search engine compatibility

wherein the at least one second web page further comprises:

at least one third web page linked to the second web page (col. 3 line 54, "these

search engine content pages will include a link to a corresponding web site), the at least

one third web page comprising a plurality of keywords (col. 8 lines 53-55, "the search

engine content page included a plurality of search engine keywords", fig. 8 block 802).

Claim 14 is rejected for the reasons set forth hereinabove for claim 13, and

furthermore finch teaches a first web server optimized for search engine compatibility

wherein the at least one second web page further comprises:

at least one multi-function web page link (col. 7 lines 25-26, "create a large

number of pointers"), the at least one multi-function web page link is adapted to link a

web browser to the first web page, and adapted to link a search engine to the at least

one second web page (col. 3 line 45 "corresponding link", and a search engine readable

link (col.3 lines 35-36, "search engines to return a desired link").

Claim 15 is rejected for the reasons set forth hereinabove for claim 13, and

furthermore finch teaches a first web server optimized for search engine compatibility

wherein the first web server ("Company web server") comprises a second web server

("Client web server") adapted to host the at least one second web page ("the search

engine content page") (col. 7 lines 38-39, "search engine content pages and locates the

pages upon the CIWS").

With respect to claim 16, claim 16 is rejected corresponding to the reasons

given above for claim 1 because the limitations of claim 16 are substantially equivalent

to claim 1.

Claim 18 is rejected for the reasons set forth hereinabove for claim 16, and

furthermore finch teaches the program storage device wherein determining the at least

one first web page search engine index constraint in the first web page further

comprises:

posting data (col. 2 lines 57-58, "client information is collected". It is inherently

there is the posting of client information in order to be collected); and

accepting at least one cookie (col. 2 lines 60-62, "relays this client information to the company web server across the Internet for further use". It is inherently there is cookie implement to keep information cross the internet for further use).

Claim 20 is rejected for the reasons set forth hereinabove for claim 16, and furthermore finch teaches the program storage device wherein hosting the second web page on the at least one web accessible server comprises hosting the second web page on a second web server (col. 6 line 22, "ads that will be displayed upon the CIWS").

Claim Rejections - 35 USC § 103

10.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11.   Claims 11, 17, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Finch (US 6,282,567) in view of Steele et al. (US 2003/0191737).

Claim 11 is rejected for the reasons set forth hereinabove for claim 10.

However Finch does not explicitly teach the first server optimized for search engine compatibility wherein the search engine constraints comprise:

at least one user-login requirement,

at least one form submission,

at least one script written link, or

a plurality of frames.

In the same field of endeavor, Steele teaches a method for generating an index

from a server wherein the search engine constraints comprise:

at least one user-login requirement (para. [0139] line 5, "username and

password"),

at least one form submission (para. [0126] line 5, "html form query is submitted",

fig. 9A "a form input for entry of a stock code"),

at least one script written link (para. [0126] line 8, "Javascript programs or

scripts"), or

a plurality of frames (fig. 10 page 1006 is divided into two frames).

It would have been obvious to one having ordinary skill in the art at the time the

invention was made having the teachings of Finch and Steele before him/her to

incorporate the first server optimized for search engine compatibility into the method for

generating an index to improve the ranking of search engine results (para. [0075] lines

10-11). One of ordinary skill in the art would be motivated to make the aforementioned

combination with reasonable expectation of success.

Claim 17 is rejected for the reasons set forth hereinabove for claim 16.

However Finch does not explicitly disclose the program storage device wherein

determining the at least one first web page search engine index constraint in the first

web page further comprises simulating a HTTP header.

In the same field of endeavor, Steele teaches the method for generating an index

from a server wherein an agent can be included with each hypertext transfer protocol

(HTTP) server distributed by a server manufacturer (para. [0063] lines 11-12). It is inherently the HTTP header is included. It contains meta information for objects as constrains for requesting or responding when data is transmitted between servers.

It would have been obvious to one having ordinary skill in the art at the time the invention was made having the teachings of Finch and Steele before him/her to incorporate the first server optimized for search engine compatibility into the method for generating an index to improve the ranking of search engine results (para. [0075] lines 10-11). One of ordinary skill in the art would be motivated to make the aforementioned combination with reasonable expectation of success.

Claim 19 is rejected for the reasons set forth hereinabove for claim 16, and furthermore finch teaches the program storage device wherein determining the at least one first web page search engine index constraint in the first web page further comprises:

determining the at least one first web page search engine index constraint in the first web (col. 2 lines 57-58, "client information is collected" and col. 3 lines 18-19, "The content of the advertisements downloaded from the company web server may be selected based upon the client information". Upon accessing to download the advertisements, the client should provide information. It is the constraint to access the advertisements)

However Finch does not explicitly teach the program storage device wherein determining the at least one first web page search engine index constraint in the first web page further comprises:

analyzing form requested data,

providing pseudo-form data in accordance with the form requested data analysis;

In the same field of endeavor, Steele discloses the method for generating an index from a server wherein analyzing form requested data (para. [0139] lines 6-7, "interprets the information as request for a piece of information"), and providing pseudo-form data in accordance with the form requested data analysis (para. [0130] lines 1-6, "a program would be a cgi script" which "receives the information sent by the user, and interprets the information");

It would have been obvious to one having ordinary skill in the art at the time the invention was made having the teachings of Finch and Steele before him/her to incorporate the first server optimized for search engine compatibility into the method for generating an index to improve the ranking of search engine results (para. [0075] lines 10-11). One of ordinary skill in the art would be motivated to make the aforementioned combination with reasonable expectation of success.

Conclusion

12.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Galai et al. (US 2004/0172389) teaches a system and method for automatically submitting web pages to a search engine.

Seals et al. (US 2003/0110158) teaches a system and method for making content visible to search engine indexing functions.

13.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Thu-Nguyet Le whose telephone number is 571-270-

1093. The examiner can normally be reached on 6:00-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Breene can be reached on 571-272-4170. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TL

Thu-Nguyet Le   KBP
February 1, 2007

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